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Attorney for Plaintiff KATIE
CAPPUCCIO

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

KATIE CAPPUCCIO,

Plaintiff,

v.

CALIFORNIA STATE UNIVERSITY,
FULLERTON, and DAVID
FORGUES, in his individual capacity
and office capacity as Vice President of
Human Resources,

Defendants.

Case No. 8:23-cv-02026-FWS-DFM

**PLAINTIFF'S REQUEST FOR
JUDICIAL NOTICE;
DECLARATION OF NICOLE C.
PEARSON IN SUPPORT**

Judge: Hon. Fred W. Slaughter
Crtrm.: Santa Ana, 10D
Magistrate: Douglas F. McCormick
Crtrm: Santa Ana, 6B

Trial: August 19, 2025
Time: 8:00 a.m.

REQUEST FOR JUDICIAL NOTICE

As provided by Federal Rule of Evidence 201, and in connection with trial, Plaintiff KATIE CAPPUCCIO, by and through her attorneys of record, hereby requests that the Court take judicial notice of the following U.S. Equal Employment Opportunity Commission ("EEOC") publications:

Exhibit A: U.S. Equal Employment Opportunity Commission "Title VII of the Civil Rights Act of 1964," <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964> [downloaded August 14, 2025].

1 **Exhibit B:** U.S. Equal Employment Opportunity Commission “Section 12:
2 Religious Discrimination,” [https://www.eeoc.gov/laws/guidance/section-12-](https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#h_9593682596821610748647076)
3 [religious-discrimination#h_9593682596821610748647076](https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#h_9593682596821610748647076) [downloaded August 14,
4 2025].

5 **Exhibit C:** U.S. Equal Employment Opportunity Commission “Remedies:
6 Religious Discrimination,” [https://www.eeoc.gov/remedies-employment-](https://www.eeoc.gov/remedies-employment-discrimination)
7 [discrimination](https://www.eeoc.gov/remedies-employment-discrimination) [downloaded August 14, 2025].

8 **Exhibit D:** U.S. Equal Employment Opportunity Commission “Fact Sheet:
9 Religious Accommodations in the Workplace,” [https://www.eeoc.gov/fact-sheet-](https://www.eeoc.gov/fact-sheet-religious-accommodations-workplace)
10 [religious-accommodations-workplace](https://www.eeoc.gov/fact-sheet-religious-accommodations-workplace) [downloaded August 14, 2025]

11 **POINTS AND AUTHORITIES**

12 The Court **may** take judicial notice of facts that “can be accurately and readily
13 determined from sources whose accuracy cannot reasonably be questioned.” (Fed. R.
14 Ev. 201(b)). “The Court . . . **must** take judicial notice if a party requests it and the
15 court is supplied with the necessary information.” (*Id.* 201(c)(2) [emphasis added]).

16 Under Rule 201, the court can judicially notice “[o]fficial acts of the legislative,
17 executive, and judicial departments of the United States,” and “[f]acts and
18 propositions that are not reasonably subject to dispute and are capable of immediate
19 and accurate determination by resort to sources of reasonably indisputable accuracy.”
20 Federal courts have held that “judicial notice is appropriate for records and reports of
21 administrative bodies,” including from the EEOC. (*See e.g. Gonzales v. Marriott Int’l,*
22 *Inc.* 142 F.Supp.3d 961, 968 (C.D. Cal. 2015) [citing *U.S. v. 14.02 Acres of Land*
23 *More or Less in Fresno County*, 547 F.3d 943, 955 (9th Cir.2008) (citations omitted);
24 *Interstate Natural Gas Co. v. So. Calif. Gas Co.*, 209 F.2d 380, 385 (9th Cir.1953)]).
25 Additionally, this district has held that websites and their contents are proper subjects
26 for judicial notice. (*Minor v. FedEx*, 78 F.Supp.3d 1021, 1027 (N.D. Cal. 2015); *Wible*
27 *v. Aetna Life Ins. Co.*, 375 F.Supp.2d 956, 965-66 (C.D. Cal. 2005); *Caldwell v.*
28 *Caldwell*, No. C 05-4166 PJH, 2006 WL 618511 at *4 (N.D. Cal. Mar. 13, 2006)).

1 **Exhibits A through D** are located on the official website of the EEOC.
2 (Pearson Decl., ¶¶2-5). They are official publications by an official federal
3 government agency, and the one that is specifically charged with receiving,
4 interpreting, enforcing, and advising on federal employment laws, specifically, here,
5 Title VII of the Civil Rights Act of 1964. The contents of **Exhibits A through D** are
6 generally known within this Court's territorial jurisdiction, and can accurately and
7 readily be determined from sources whose accuracy cannot be reasonably questioned,
8 namely other government agency reports, orders, and guidance, legal reports, and
9 journals. (Fed. R. Ev. 201(a)(1), (2)). The contents of the EEOC Guidance in **Exhibits**
10 **A through D** can also readily be determined. (Pearson Decl., ¶¶3-5).

11 Defendant CALIFORNIA STATE UNIVERSITY has also had the
12 opportunity to review and object to **Exhibits A through D**, and is receiving timely
13 notice of this request.

14 For these reasons, Ms. Cappuccio respectfully asks the Court to take judicial
15 notice of **Exhibits A through D** for the purpose of trial, and allow her to draw jury
16 instructions from them.

17 Dated: August 14, 2025

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19 By: _____

20 NICOLE PEARSON

21 Attorney for Plaintiff KATIE CAPPuccio
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DECLARATION OF NICOLE C. PEARSON

I Nicole C. Pearson declare as follows:

1. I am an attorney licensed to practice before this court, and Partner at FACTS LAW TRUTH JUSTICE, APC, counsel of record for Plaintiff KATIE CAPPuccio. I submit this Declaration in support of Ms. Cappuccio's Request for Judicial Notice ("RJN") in preparation for trial. I have personal knowledge of the following facts and, if called as a witness, could and would testify competently thereto.

2. On August 14, 2025 I accessed the U.S. Equal Employment Opportunity Commission ("EEOC") website and reviewed its guidance titled "Title VII of the Civil Rights Act of 1964," which is located at <https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964> and downloaded it. A true and correct copy is attached hereto as **Exhibit "A."**

3. On August 14, 2025 I accessed the EEOC website and reviewed its guidance titled "Section 12: Religious Discrimination," which is located at https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination-h_9593682596821610748647076 and downloaded it. A true and correct copy is attached hereto as **Exhibit "B."**

4. On August 14, 2025 I accessed the EEOC website and reviewed its guidance titled "Remedies: Religious Discrimination," which is located at <https://www.eeoc.gov/remedies-employment-discrimination> and downloaded it. A true and correct copy is attached hereto as **Exhibit "C."**

5. On August 14, 2025 I accessed the EEOC website and reviewed its guidance titled "Fact Sheet: Religious Accommodations in the Workplace," which is located <https://www.eeoc.gov/fact-sheet-religious-accommodations-workplace> and downloaded it. A true and correct copy is attached hereto as **Exhibit "D."**

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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on this 14th day of August, 2025, in Newport Beach, California.
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6 Nicole C. Pearson
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2025, a copy of the foregoing document, filed through the ECF system, will be served on all parties as provided by the Notice of Electronic Filing (NEF).

/s/ Nicole C. Pearson

NICOLE C. PEARSON